19

Department of Revenue

OFFICE of the Asst

STATION Mercara

My No. 4112

Dated 29/8/25

A.C. 718/25

Pages in the file 5

(SUBJECT.)

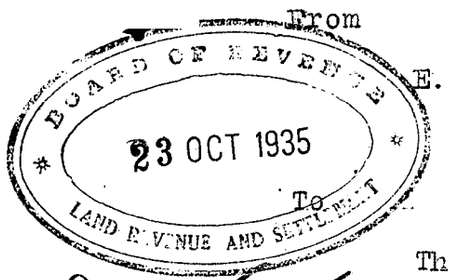
Smith (South Kanara) — Mangalore
Dr. Mc H. Ors 256/25 — Petition
re encroachment Govt property
Long claim — Defence tenants

Urgent.

Ref.A3.No.3363/35.

South Kanara Collector's Office,

Mangalore, 17th October 1935.



Rec'd 25/10/35

From

E. M. Gawne, Esquire, I.C.S.,

Collector of South Kanara.

To

The Secretary to the Board,

Land Revenue & Settlement,

M a d r a s.

Sir,

Suits - Mangalore - District Munsiff's Court - O.S.No. 254/35 - Encroachment - Padukodi village - warg claim.

I enclose a copy of the plaint in the above suit, which is for a declaration that the plaint A & B schedule properties belong to the plaintiff on warg right, for a permanent injunction restraining the defendant (Government) from interfering with the plaintiff's possession of the A schedule properties and for a decree directing Government to deliver possession to the ------- plaintiff of the B schedule properties as also for certain other consequential reliefs.

2. The plots concerned in this case form portions of river poramboke S.No.46/1A on the one side and road poramboke S.No.36 on the other. They have been denoted as S.Nos.46/1A2, 1A3, 1A4 and 1A5 and 36/3 in the plaint schedules and the plaint plan. As the notations given for these plots in the previous records differ from those now given in the plaint, I append, for the sake of convenience, a table comparing the notations as given in each record with those given in the plaint:-

Serial No.	Notation as per plaint plan.	Notation as per sketch in D.Dis. 12069/31.	Notation as per sketch in D.Dis. 2806/34.	Notation as per sketch in D.Dis. 4529/34.
(1)	(2)	(3)	(4)	(5)
(1)	46/1A2	46/1A3	46/1A2	46/1A2
(2)	46/1A3			46/1A3
(3)	46/1A4	46/1A2	46/1A3	46/1A1
(4)	46/1A5	46/1A4	46/1A4	(portions)

(1)	(2)	(3)	(4)	(5)
(5)	36/3	36/4 (roughly)	36/4 (roughly)	36/1 (portion)

3. The plots referred to above having been encroached upon during the last few years by the plaintiff and certain other villagers, encroachment proceedings were started by the Tahsildar of Mangalore and the plaintiff, who came to know of these proceedings filed in December 1931 before the Collector a petition advancing warg claim to most of the plots. At the time of the enquiry, it was found that items (1) & (2) above together contained 13 cocoanut trees aged about 6 to 10 years and that they had been raised by filling in sand and also that a portion had been built with rough stones on the North West. Item (3) was found to contain a temporary shed raised by one Guruva Pujari, (who claimed to be a tenant under the plaintiff) and a bearing cocoanut tree aged about 10 years as also an embankment of rough stones on the northern side. The shed was subsequently removed and what remained was only the cocoanut tree and the embankment. Item (4) contained only a temporary shed used by the ferry contractor, while item (5) had in it only a portion of the new ferry shed. These encroachments lay by the side of the Kulur ferry on the Mangalore-Udipi Coast road, at a place where the road and the approach to the river are very narrow and caused much inconvenience to the heavy motor bus and cart traffic. The warg claim set up by the plaintiff was found untenable and barred by limitation and was therefore rejected by the Collector, who also ordered eviction of the encroachers from items (3) and (4). As the encroachments in items (1) and (2) were not found objectionable, the Tahsildar was asked to take steps for their assignment on payment of site value and back assessment, while the question of the removal of the encroachment in item (5), which was in road poramboke, was left to the District Board.

4. Subsequently, the Revenue Divisional Officer, Mangalore, passed the eviction order in respect of item (3) and the plaintiff appealed to me. The plot was only one cent in extent, but it lay on a sharp turning place, where assignment was considered

most objectionable. I therefore rejected the appeal. Then came the plaintiff's suit notice, which was only in respect of items (1), (2) and (3) The plaintiff then seemed to be disinclined to pay site value and back assessment in respect of items (1) and (2) and the encroachment in item (3) was, as already stated above, highly objectionable. The suit notice was therefore recorded. When the question of assignment of items (1) and (2) came in, I received a mass petition from the villagers and the Tahsildar found, on personal enquiry, that the proposed assignment was detrimental to public interests. The Revenue Divisional Officer fully agreed with the Tahsildar and recommended eviction. I therefore refused assignment and ordered that the trees should be given to the grower on tree-patta. This was not agreeable to the plaintiff and hence the suit.

5. The plaintiff relies mainly on the records of D.R. 21/1888 on the file of the Tahsildar of Mangalore and contends that the plots now in question form portions of plots 5 and 5A assigned in that case to his predecessor-in-title. I enclose the records of the old Darkhast Case of 1888, together with a revised sketch, showing the river, the roads and the adjoining lands in the vicinity, now prepared in my office. The 'Kulur Ferry shed' marked 6 in the old sketch now lies mainly in S.No. 36/4 in the new sketch, while a small portion of the shed is reported to fall in the plaintiff's land S.No.43/1. The river marked 27 in the old sketch corresponds to S.Nos.46/1A & 44 in the new sketch, while the two roads marked 7 & 10 in the old sketch correspond to S.Nos.36/1 and 35/3 respectively. On a comparison of the two sketches, I find that none of the suit plots forms portion of plots 5 & 5A assigned in 1888, which, in their turn lie completely to the north west of the western wall of the ferry shed and a line drawn in continuation of that wall. Further they appear to correspond to the present S.No.43/1 and portions of 43/2 & 3, the extent of which almost tallies with that of plots 5 & 5A assigned in 1888. In any case, the suit

is clearly time-barred not only under the provisions of the Land Encroachment Act, but also under those of the Indian Limitation Act. The site of the encroachments is also such that it will be required one day for a bridge over the Kulur river. The land is therefore worth trying to retain. I enclose a copy of the draft written statement prepared by the Government Pleader, Mangalore, and request that the Board may be pleased to sanction the defence of the suit and approve the written statement.

6. A copy of the plaint, dated 19.7.1935 was received by me together with the summons on 27.7.1935. The suit stands posted to 30.10.1935. The papers connected with the suit were referred to the Government Pleader, Mangalore on 23.8.1935, subsequent to which there was a change in the personnel of the Government Pleader. The present Government Pleader's reply was received only on 8.10.1935. The Government Pleader says that he can take a short adjournment for filing the written statement.

The records detailed in the margin are enclosed for reference.

(1) Collector's office D.Dis.12069/31.
(2) Do. D.Dis. 6584/33.
(3) Do. D.Dis. 1117/34.
(4) Do. D.Dis. 2806/34.
(5) Do. D.Dis. 4529/34.
(6) Mangalore Taluk office D.R.21/1888.
(7) Do. E.C.88/1342.

Your obedient servant

Collector.

In the Court of the District Munsif of Mangalore.

Original Suit No. 254/1935.

Between

Nemiraja-Karnanthaya Ballala Plaintiff

And

The Right Hon. The Secretary of State for India in Council represented by the Collector of South Kanara. Defendant.

Plaint under order Rule and Section 26 of the Code of the Civil Procedure of 1908.

The above named begs to represent as follows:--

That the Plaintiff is the son of Channaraya Savantha residing in Kulur Beedu. Paniimogru village, Mangalore Taluk. This is his address for service of all notices and process.

II. That the defendant is The Right Honorable The Secretary of State for India in Council, represented by the Collector of South Kanara, Mangalore.

III. That the plaintiff is the present Ballal of Kulur Beedu in Mangalore Taluk.

That the properties more fully described in the schedules A and B demarcated at present as survey Nos. 46/1A-2, 46/1A-3, 46/1A-4, 46/1A-5 and 36/3 of No. 57 Padukodi village are the warg properties belonging to the Kulur Beedu, having been assigned to the predecessor in title of the plaintiff on warknast by Government in D.R.21/1888.

in the plan prepared at the time as plot Nos. 5 and 5A as will be borne out by the Revenue Records connected with the said proceedings.

4. That portions of the said plot were included in warg No. 1 at the time of the settlement and patta was -- granted to the predecessor of the plaintiff but by reason of mistake in survey demarcation a portion of the plot assigned to the plaintiff's predecessor and which was ß in his actual possession and enjoyment appears to have been left out and shown in the revenue records as Poramboke river or road.

5. That notwithstanding the mistake in survey the -- possession continued with the plaintiff's predecessors and the plaintiff and the mistake was never discovered.

6. That by reason of ill feelings existing between the plaintiff and the village karnam, the latter at the instigation of the enemies of the plaintiff appears to have raked up the question and making capital out of a mistake in survey demarcation started encroachment proceedings.

7. That the plaintiff applied in vain to the Revenue authorities who turned a deaf ear to the contentions of the plaintiff and proceeded with their encroachment proceedings.

8. That in encroachment proceedings No. 88/42 the defendant has actually taken possession of the plot S.No. 46/1A5, 46/1A6 and 36/3 and more fully described in Schedule B in about August 1934.

the defendant in about August last. The A Schedule properties continue to be in the possession of the plaintiff.

11. That the plaintiff's ancestors have worked vast -- improvements by raising the level of the plot in question and planting trees and also constructing structures and Kattapunis.

12. That there was a shed with a stone foundation in the B Schedule properties of the value of about Rs. 25/- which have been forcibly removed and dismantled by the defendant on the pretext of its being an encroachment at the time the plot was taken possession of by the defendant.

13. That the plaintiff submits that the forcible dispossession of the B Schedule properties and the dismantling of the structure thereon is torturous and the defendant is liable to make good the damages suffered by the plaintiff.

14. That the defendant has been served with the requisite notice under section 80 of the Code of Civil Procedure which notice has been received by the Collector on 1-8-34. The plaintiff's grievances have not been redressed and hence the suit.

---IV. That the cause of action for the suit arose in 1931 and since when the encroachment proceedings were started -- against the plaintiff and also in about August 1934 when the B schedule properties were taken possession of by the defendant, in Padukodi village within the jurisdiction of this Court.

V. That the Plaintiff values his claim at Rs. 149-9-4 for the purposes of Court fee and jurisdiction and a Court fee of Rs. 16-13-0 has been paid.

VI. That the plaintiff therefore prays for a decree and judgment against the defendant for the following reliefs.

(1) Declaration that the plaintiff is the owner of the Plaint A schedule properties in his own right and restraining the defendant by a permanent injunction from interfering in anyway with possession of the said properties Relief is valued at Rs. 100/- being the	Rs.100-0-0

estimated market value of the plot and the improvements.

(2) Declaration that the plaintiff has title to the B schedule properties in his own right and directing defendant to deliver possession of the same to the plaintiff valued at the estimated market value of Rs. 20/-

(3) Directing defendant to pay damages to the plaintiff for the dismantling of the shed in the B schedule properties Rs. 25/-

(4) Directing defendant to pay past mesne profits at Rs. 5/- per year from August 1934 up to date.

(5) Future mesne profits at the said rate of Rs. 5/- up to delivery in respect of the B schedule properties

In the Court of the District Munsif of Mangalore.

O.S. No. 1935.

Between:

Nemiraja Karnanthaya Ballala Plaintiff.

and

The Secretary of State for India .../ Defendant.

Schedule A.

Properties situated in No. 57 Padukodi village, Mangalore Taluk (Mangalore Registration District)

Item.	S.No.	Sub-division No.
1	46	1A2
2	46	1A3

Including tree improvements and etc. etc.

Schedule B.

The properties situated in No.57 Padukodi village, Mangalore Taluk (Mangalore Registration District).

Item.	S.No.	Sub-division No.
1	46	1A4
2	46	1A5
3	3	3

Including tree improvements etc. etc.

Mangalore,
19th July 1935.

Plaintiff.

Sd/- G. Somashekar Rao,
Vakil for plaintiff.

I do hereby declare that the above stated facts are true to the best of my knowledge and belief.

Mangalore,
19th July 1935.

Plaintiff.

Documents filed.

1. 1-3-1934 Acknowledgment of Collector.

2. Certified copy of the plan prepared in D.R. 21/1888.

3. 11-4-1935 Notice from Tahsildar to Nemiraja Karnanthaya Ballala in E.C. 88/42.

4.	15-6-1935	Notice by the Revenue Divisional Officer to Nemiraja Karnanthaya Ballala in E.C. 88/42.

Mangalore,
19th July 1935. ...

Sd/- G. Somashekar Rao,
Vakil for Plaintiff.

(True copy)

Srinadhavarao
For Collector. L&X.

Ram
18-10-85

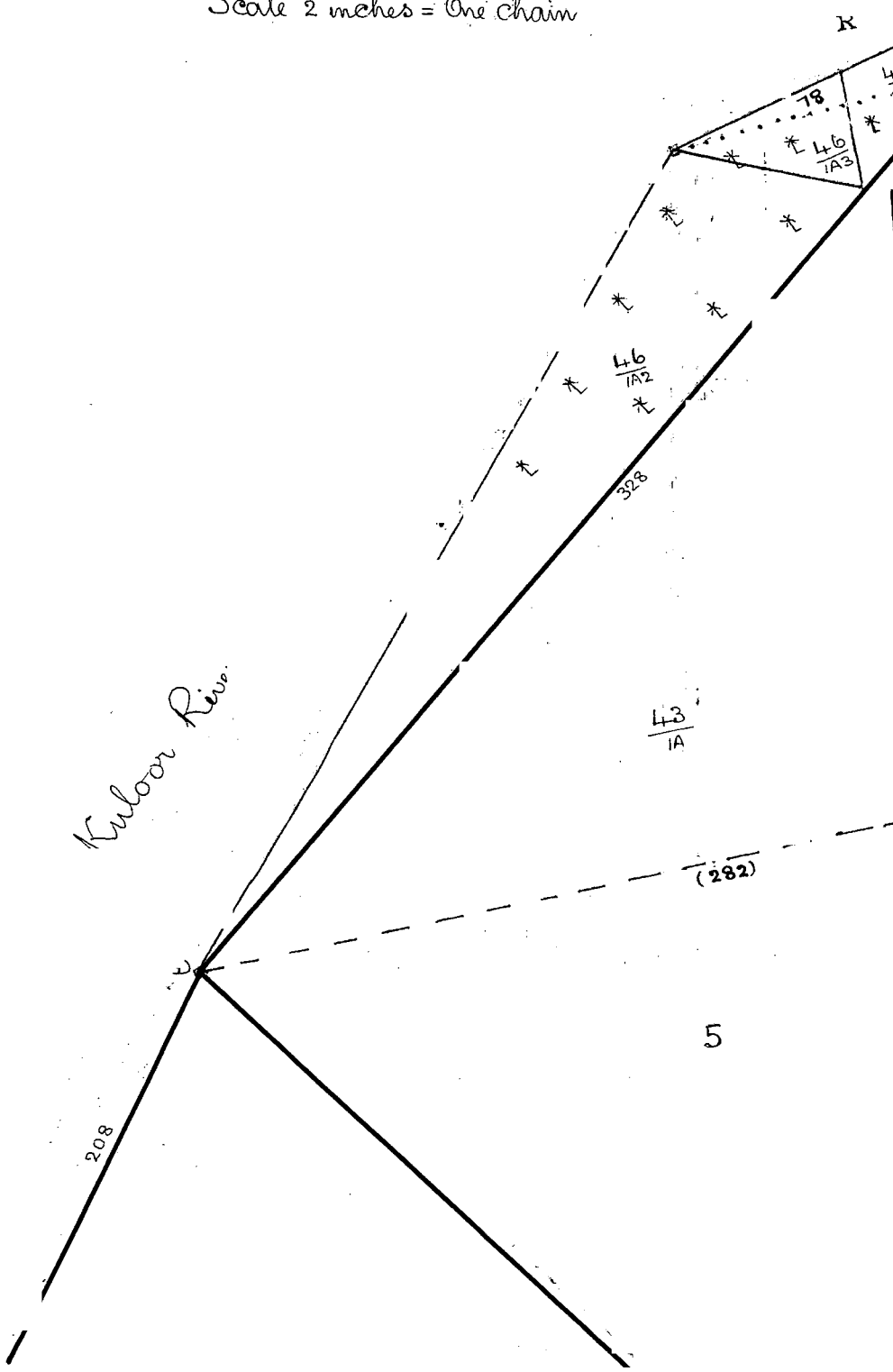
District - South Kanara

Taluk Mangalore

Village No. 57 Padukodi

Plan of Survey nos 43 and 36

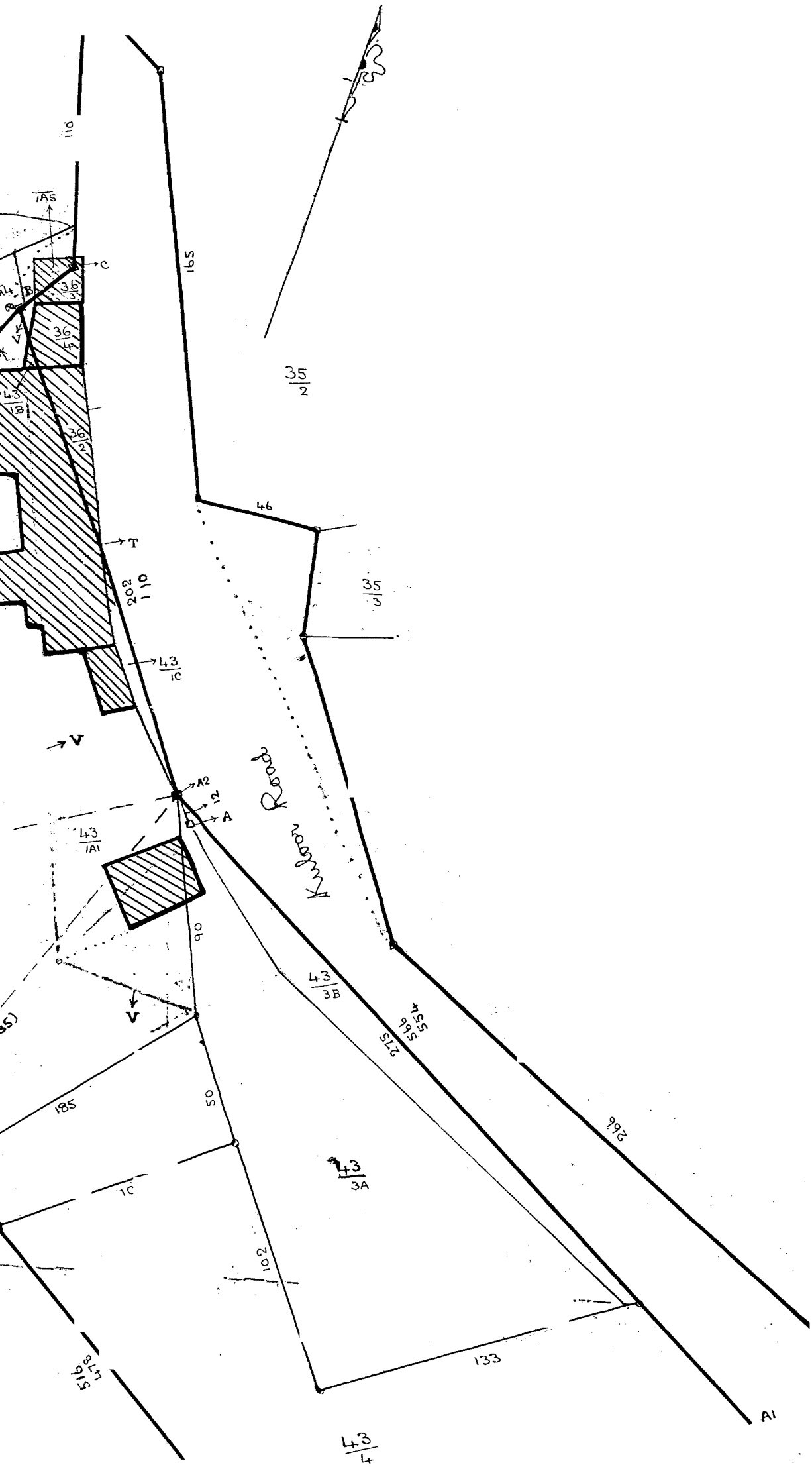
Scale 2 inches = One chain



Copied by

Draftsman

18.10.35


110
165
35/2
46
35/3
202
110
T
43/1C
V
A2
A1
A
Road
43/1A1
90
43/3B
215
556
551
266
185
50
1C
43/3A
102
133
A1
43/4
36/3
36/4
43/1B
36/2
1A5
C
B
V

District - South Kanara.

Taluk - Mangalore.

Village No. 57 Padukodi.

Plan of Survey No.43 and 36.

Scale 2 inches - 1 chain.

S. No.	S. D No.	Particulars
43	1A	పారింకు బాబు వగైరాలకి
	1A1	పారింకు బాబు వగైరాలకు దక్కి అప్పగించబడ్డ
	1B	$\frac{36}{4}$ యిసా ఖరీదు కట్టబడ్డ భూమి యిందులో చేరినది.
	1C	పారింకు బాబు వగైరాలకు దక్కి విస్తీర్ణం బట్టి వ్యత్యాసం
		వచ్చినందుకు వీరి వద్ద నించి అర్జీ మీద వ్యత్యాసం కింద
		వసూలు చెయ్యబడ్డది.
	5	పల్లి వగైరాలకు 1888 వ సంవత్సరం జరిగిన సెటిల్మెంటు
	5A	లోకి వచ్చిన ప్రకారం వచ్చిన సంబ్రా నం. 5A నించి వగైరాలకు
		వచ్చిన సంబ్రా నంబర్లు $\frac{46}{1A2}$, $\frac{46}{1A3}$, $\frac{46}{1A4}$, $\frac{46}{1A5}$, $\frac{36}{3}$
		యిక్కడ వచ్చిన సంబ్రా నంబర్ $\frac{43}{1A}$ నించి వగైరాలకు దఖలు చేయబడ్డ
		వగైరాలకు కాను 21 గుంటలు 14 దింపుగా
		5 ఎ పారించి దరఖాస్తు ఆదనపరచడమైనది.
43	3A	పారింకు బాబు వగైరాలకు
	3B	పారింకు బాబు వగైరాలకు దక్కి విస్తీర్ణం బట్టి
		వచ్చినందుకు వీరి వద్ద నించి అర్జీ మీద వసూలు
	4-2	పారింకు బాబు వగైరాలకు
36	1	మంగళూరు కస్టమ్స్ రాజ వగైరా

పాండియు డిస్ట్రిక్ట్ బోర్డు సభ్యుడు
అంగరి కడప్పు యుల్ల ఆర్డ్రమాగి యుండి
కుంభకు డిస్ట్రిక్ట్ బోర్డు సభ్యుడగు వరకు వున్న వడ్డకు
నడిచువచ్చుట నక్కి వచ్చుట 1888 సం
యిన్సబంకు మీటింగు జిల్లా బంకు నందిస్ట్రిక్ట్
పాండియు బాబ్బు యూలసంప్రి 1892 వరకు
ఒప్పుదస్తుగా చాకిరు చేసి

యుసాధారణ కడప్పుగా అంగీకర్తలు
పోరంబోకు కూలీరు రాజు వర్గ
రీతిన్సు జిల్లాబోర్డు ఆర్డ్రమాగి
వున్న డిస్ట్రిక్ట్ నడిపి కులాసా కలిగిన భా
రాగ పోలీసు వ్యవహారంసు 7.

ది సంఖ్య 1.

రీతిన్సు జిల్లా మిలియూబోర్డు సభ్యులు నడిపి వచ్చిన
రులు బోర్డులో రూల్సు ప్రకారం చేయడి యున్నారు
లాగు చదివిన సంఖ్య 1 ర వ్యక్తి.

పాండియు బాబ్బు చేసు కొన్నడి కాలం ఆయుదలుగు
సంబ్రి 1892 వరకు పోలీసు ఒప్పుదస్తు ప్రకారం
ంగరి తమ్ముడుగా 1901 సం యిద్దరును
కారకు 16 రూపాయలంగా చేసి యిరు బాలకొండ
పోలీసుగా పోలీసు ఒప్పుదస్తు ప్రకారం
ంగరి సంవత్సరం 1926 వరకు యిద్దరు జులుం కారకుం
గు ఆలాబ్యారియు బరకొండ్రు పోలీసుగా
సంవత్సరం ఒప్పుదస్తు సంఖ్యలు యిదవ్వు

శిలిన్ను మొలాజ్ యుచరు లరం రళ్ళి గా
తిసిదు శులాంశ వడిసిద స్థళ

మొన్న యుంద శాస్త్రీయ గణిత్ర కాల 1813ని
యుస్త్రీయ మొలాంశవి దశ శాస్త్ర ఆద స్థళ
నద్రి స్థళిల నమ్మ జిల్లెలుంగా మొత్తవు దర గళ
యుల్లి శిలిన్ను మొలాంశవియు-చరు ఖులాంశ
వడిసిద స్థళ

A తల్లిన స్థానద బిందుగళు ఎంబ గుణకగళన్ను నద్రి
నవిగ్ళిసిది A. శబ్దనింద 566 ఎంబ సంఖ్యెయన్ను
ఈగ నద్రిళిసిది 564 ఎంబ సంఖ్యె దొరకుత్తదె.
A ని దళి తత్పత్తి దొరద A-1 శబ్దనింద 566
ఎంబ సంఖ్యెయ బళిక్కె కాద ళిసిబేకాగుత్త.

B. నద్రిను తుంబలవాగిద స్థానద బిందుగళ
శబ్దవన్ను ఈగినే నద్రిళిసిది A-2 నింద 202
ఎంబ సంఖ్యె దొరే బిట్టిరువుదరింద బదలాగి ఈగ
10 ఎంబ సంఖ్యె సిగుత్తదె.

నద్రిళిసిదాగి (ది. E. ద దళిగళన్ను
ళు తాళియుగి అదర బదలాగి దొరువ
సంఖ్యెగళు సిగుత్తవె

నద్రిళిసిది ది 1. శబ్దనింద దళిగె బిట్టి 478
ఎంబ సంఖ్యె బదలాగి ఈగ 516 ఎంబ
సంఖ్యె సిగుత్తదె.

4. ಜಾಹೀರಾತು ಕಛೇರಿಯಿಂದ ಕಳಿಸಿದ ಕಪ್ಪು ಪುಟಗಳ
R 1888 ನೇ ಇಸವಿಯ ಮೇ ಮಾಸದ ಚಿಟ್ಟಿನ ಪ್ರತಿ
ಕಾಲಂ ನಂ. 4 A ನಲ್ಲಿ ನಮೂದಿಸಲಾಗಿದೆ.
ಇದಕ್ಕೆ ಸಂಬಂಧಿಸಿದ ತಂಡುಬಿಲ್ಲನ್ನು ಸಲ್ಲಿಸಲಾಗಿದೆ.

V. 1888 ನೇ ಇಸವಿಯ ಮೇ ತಿಂಗಳಿನ ಚಿಟ್ಟಿನಲ್ಲಿ
ನಮೂದಿಸಿರುವ ಪ್ರತಿಗಳ ಸಂಖ್ಯೆಗೆ ಅನುಗುಣವಾಗಿ
ಮುದ್ರಿಸಲಾಗಿರುವ ಜಾಹೀರಾತು ಪುಟಗಳನ್ನು ಸಲ್ಲಿಸಲಾಗಿದೆ.

S. 1888 ನೇ ಇಸವಿಯ ಮೇ ತಿಂಗಳಿನ ಚಿಟ್ಟಿನಲ್ಲಿ ಪ್ರಕಟಿಸಿರುವ
ಜಾಹೀರಾತುಗಳನ್ನು ಸಲ್ಲಿಸಲಾಗಿರುವುದು ಕಂಡುಬಂದಿದೆ.
ಸರಿ.

X. 1888 ನೇ ಇಸವಿಯ ಮೇ ತಿಂಗಳಿನ ಚಿಟ್ಟಿನಲ್ಲಿ ಇರುವ
ಮಾಹಿತಿಯನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿದೆ.

Y. ರಿಜಿಸ್ಟ್ರಾರ್ ಅವರಿಂದ ಪ್ರಮಾಣೀಕರಿಸಲ್ಪಟ್ಟ ಜಾಹೀರಾತು
ಪುಟಗಳ ಮುದ್ರಣ ಪ್ರತಿಗಳನ್ನು ಸಲ್ಲಿಸಲಾಗಿದೆ. ಚಿಟ್ಟಿನಲ್ಲಿರುವ
ಮಾಹಿತಿಯನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿದೆ.

ಪತ್ರಿಕೆಯ ಚಂದಾದಾರರಿಗೆ ಮುದ್ರಣ ದಿನಕ್ಕಿಂತ
ಮೊದಲು ದಿನಪತ್ರಿಕೆಯನ್ನು ಪೂರೈಸಲಾಗಿದೆಯೆಂಬ
ಬಗ್ಗೆ ಜಾಹೀರಾತು ಕರ್ತೃವಿನ ಪ್ರಮಾಣಪತ್ರ ಇದೆ.

21.10.35

In the Court of the District Munsif of Mangalore.

O.S.No. 254 of 1935.

Between:

Nemiraja Ballala ... Plaintiff.

and

The Secretary of State for India. ... Defendant.

Written statement of the defendant under Order VIII Rule 1 of Act V of 1908.

The abovenamed defendant begs to state as follows:-

1. That the address of the defendant is as stated in the plaint.

2. That the suit is not sustainable both in law and on facts.

3. This defendant denies that the plaint A and B ---- schedule properties are the warg properties of the Kulur Beedu or of the plaintiff or that tney were assigned by the Government to the predecessor-in-title of the plaintiff on darkhast in D.R.No. 21/1888.

4. This defendant admits that plots marked 5 and 5 A in the plan prepared in the said D.R.No. 21/1888 were assigned to the plaintiff's predessor-in-title but denies that any of the plaint plots formed part of the said plots marked 5 and 5 A therein.

5. This defendant submits that the plots assigned to the predecessor-in-title of the plaintiff were included in his holding No.1 and denies that A and B schedule properties were left out of the holding of his predecessor-in-title at the settlement by mistake.

6. This defendant denies that the plan filed along with the plaint is correct or that it correctly represents the existing state of the various plots in question and of the locality.

7. This defendant submits that S.Nos. 46 1A2, 1A3, 1A4 and 1A5 were all along part of the Poramboke river and were ------ demarcated as such at the time of the settlement. Of these

46/1A2, 1A3 and 1A4 were recently encroached upon by the plaintiff or under his directions by constructing a --- kattapuni of rough stones on the river on the north and the north western side and raising the level of the ---- intervening space by filling it up with sand, while ---- 46/1A5 was encroached upon by one C.D'Souza, the Kulur Ferry Contractor by putting up a temporary ferry shed, which he vacated later.

8. This defendant submits that S.No. 36/3 all along formed part of the Poramboke road S.No. 36. The property in the said survey field vests in the District Board, South Kanara and this defendant has done nothing to remove the encroachment thereon except informing the District Board that there is an encroachment therein. The said survey number 36/3 contains a portion of a new ferry shed. Before the plaintiff can claim any relief regarding the said S.No. 36/3 he must make the District Board, South Kanara a party to this suit.

9. As soon as the encroachment in S.No. 46 came to the notice of the Revenue authorities, proceedings were started to get the encroachment removed.

10. This defendant denies that plaintiff or his ---- predecessors-in-title were in possession of the properties ever since 1888. The plaintiff seems to have encroached upon the plots 46/1A2, 1A3 and 1A4 about ten years ago. This defendant denies that the Plaintiff was in possession of those plots prior to that period or of any other suit plot at any time.

11. This defendant submits that the officers of the Revenue department after due enquiry came to the conclusion that the plaintiff's assertion of warg title to the A and B Schedule properties is without foundation and thereafter decided to continue the encroachment proceedings.

12. This defendant submits that the acts of the Revenu authorities are bonafide and not actionable. That the plaintiff has no right, title or interest in the A and B

schedule properties and is therefore not entitled to any of the reliefs claimed in the plaint.

13. This defendant denies that the plaintiff has not suffered any damage by the action of this defendant. The amount claimed as damages is also excessive.

14. This defendant submits that the suit as regards items in schedule B of the plaint is bad for want of proper notice under section 80 C.P.C.

15. This defendant denies that the B schedule properties were taken possession of by the Revenue authorities in August 1934. Of the three plots mentioned in the schedule B only S.Nos. 46/1A4 and 1A5 were actually taken possession of in February 1934 while the encroachment in S.No. 36/3 was left to be dealt with by the District Board. This suit instituted more than six months after the said dispossession is barred by limitation as regards S.Nos. 46/1A4 and 1A5 among the B schedule properties.

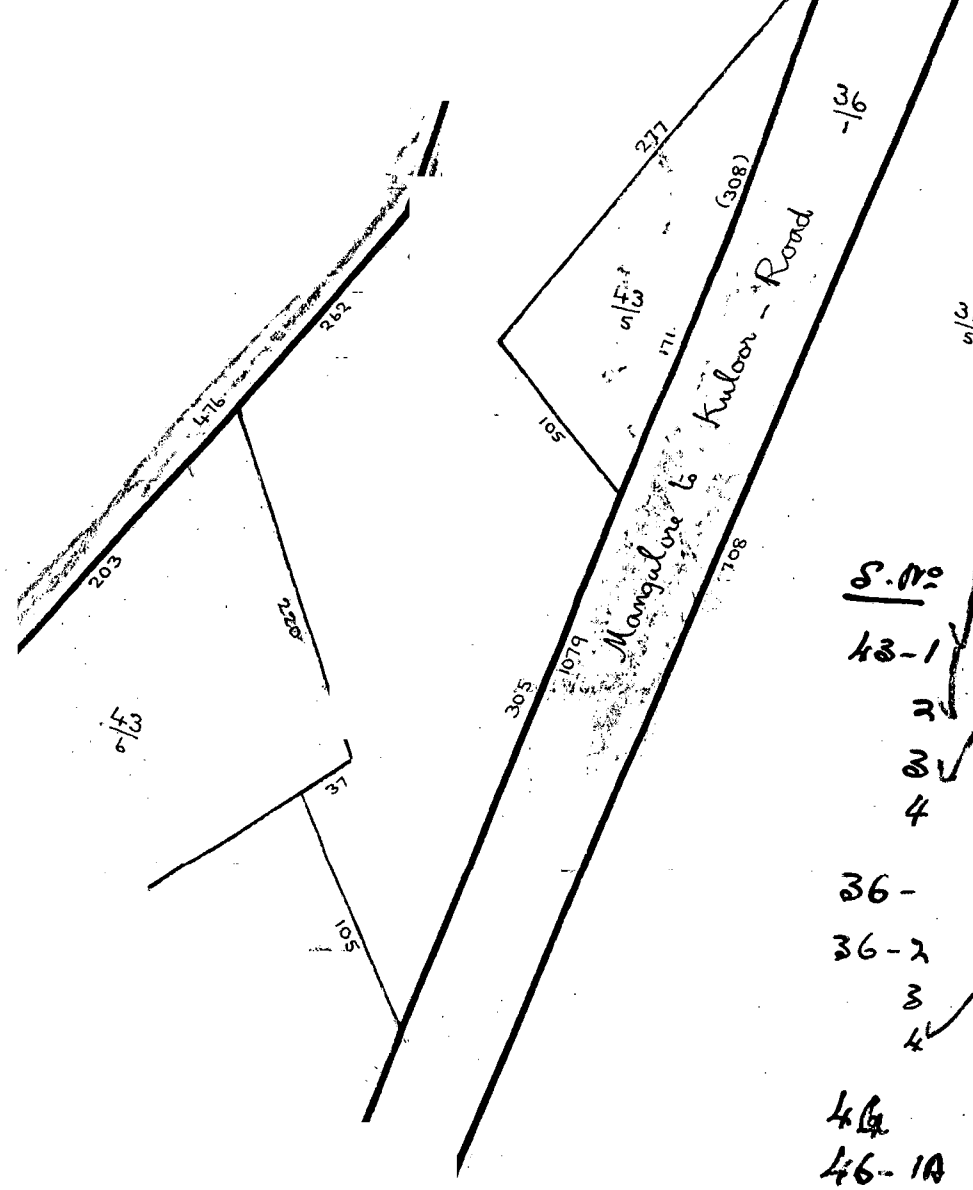
16. The entire suit is further barred by the law of limitation as having been instituted more than twelve years after the lands were registered as Poramboke, and thus excluded from the holding of the plaintiff or of his predecessor-in-title..

Pravs therefore that plaintiff's suit may be dismissed with costs.

South Kanara Collector's Office,
Mangalore, dated 17th October '35.

madhavarao
A.C.
For Collector.

18.10.35



Index

S. No	Classifn	Name of Regd holder & Remarks
43-1	Dry	Vamiraja Karmanthaya Bakala (
2	Garden	—Do— (assigned in D.R. 13/13
3	—Do—	—Do— (Kadim)
4	Wet	—Do— (Kadim)
36-	Pos	Road (Mangalore-Kulur Road)
36-2	—Do—	Encroachment by Vamiraja Karmanthaya Bak
3	—Do—	—Do— by the ferry Contractor
4	—Do—	Contains old ferry Shed.
46	Pos	River
46-1A	Pos	—Do—
46-1A2	Pos	Encroachment by Vamiraja Karmanthaya
1A3	—Do—	Bakala.
1A4	—Do—	—Do— Gurava Pujari
1A5	—Do—	—Do— by the ferry contractor.
35-2	Dry	Vamiraja Karmanthaya Bakala
3	Pos	Road leading to the Kulur Church

Copied by
Rangappaya
Draftsman
11-10-35

Scale One inch = One chain

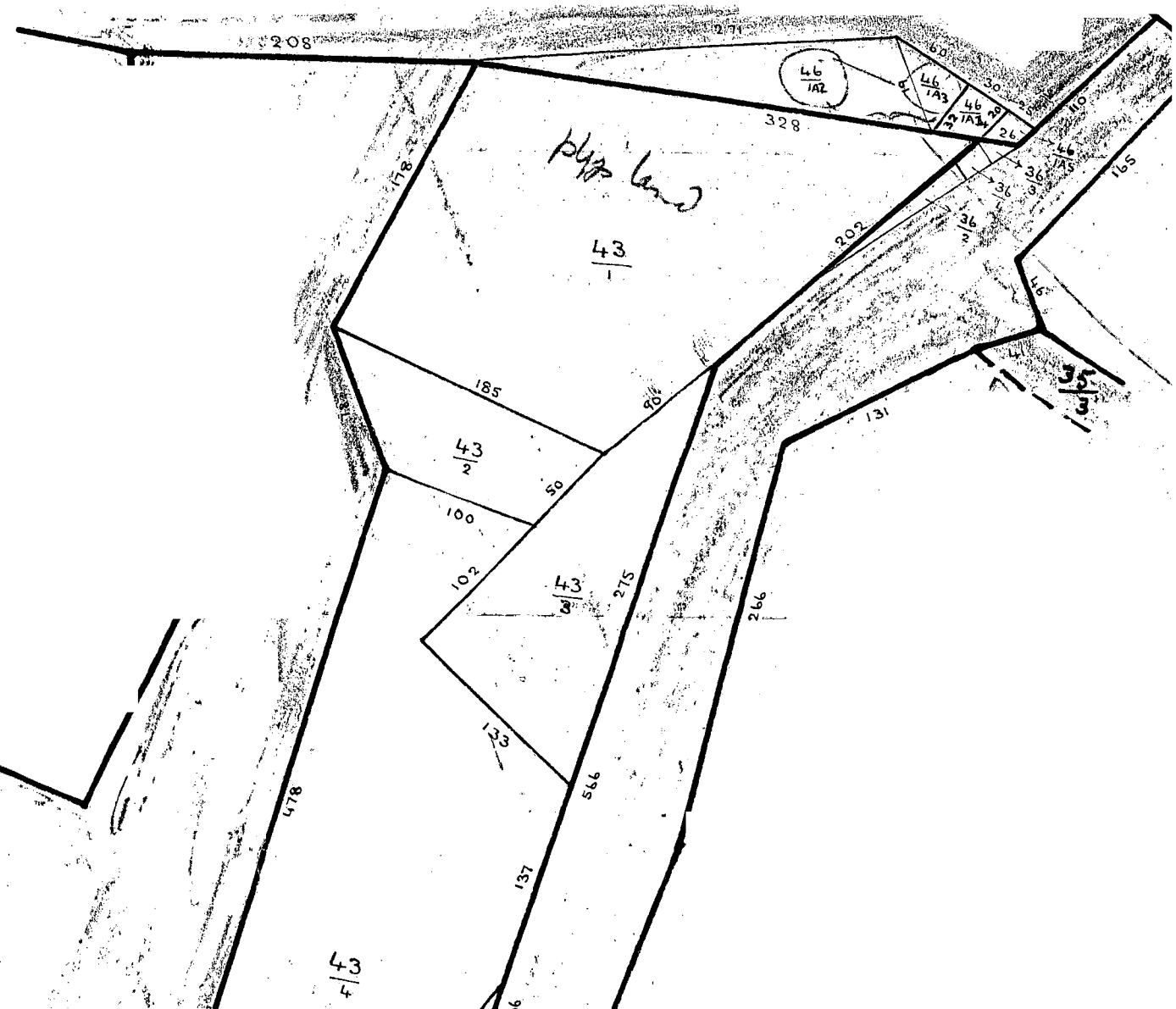
25-10-35

District - South Kanara

Taluk - Mangalore

Field nos 36·43¹ 44

Village { No. 57
Name Padykodi



suit posted to 30/10/35 — Adjournment applied for —

Suits South (Kanara) —
Mangalore Dt Munsiff —
OS No 254/35 — Padukodi
village — Encroachment —
River poramboke — Warg
claim — Defence
Sanctioned

A 4718/35 | 1-4 of Q
(Res) Mis 411 & 29-10-35
The Board
sanctions the defence of
the suit and approves
the draft written
statement subject
to the following modifi-
cation —

(1) In para 13 for the
first sentence substitute
the following " The
plaintiff has not
suffered any damage
by the action of this
defendant "

25/10 29/10/35 Ans 29.10.35
31/10/35

S

M